बनवाया जाए क्योंकि घंटो-घंटो रास्ता जाम रहता है जिस के कारण लोगों को आने-जाने में भारी कठिनाई होती है । (समय की घंटी)

उपसभापति : बस वाक्य पूरा हो गया । ग्राडर बठ जाइए यादव जी । अग्रवाल साहब, मैसेज फ्राम लोकसभा

MESSAGE FROM THE LOK SABHA

The Constitution (Seventhy-four Amendment Bill, 1991.

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

> "In accordance with the provisions of rule 96 of the rules of Procedue and Conduct of Business in Lok Sabha, I am directed to enclose the Constitution (Seventh-fourth Amendment) Bill, 1991, which has been passed by Lok Sabha at its sitting held on the 20th December, 1991, in accordance with the provisions of article 368 of the Constitution of India."

Madam, I lay the Bill on the Table.

THE DEPUTY CHAIRMAN: The House is adjourned for lunch till 2.30 p.m.

The House then adjourned for lunch at eight minutes past one of the clock.

The House reassembled after lunch at thirty minutes past two of the clock, MR. CHAIRMAN in the Chair.

THE CONSTITUTION (SEVENTY-FOURTH) AMENDMENT BILL 1991

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Mr. Chairman, Sir, I beg to move:

> "That the Bill further to amend the Constitution of India, as passed by Lok Sabha, be taken into consideration"

The Bill seeks to make special provisions in the Constitution for a new set-up for the administration of the Union Territory of Delhi, including provisions for the establishment of a Legislative Assembly and a Council of Ministers responsible to such Assembly.

As the House is aware, Delhi is a Union territory administered under Article 239 of the Constitution. Under the existing law, namely, the Delhi Administration Act, 1966, there is a Metropolian Council with elected members and an Executive Council to assist and advise the Administrator in the exercise of his functions other than those in which he is to exercise his discretion. The Metropolitan Council is only an advisory body with no legislative powers. There has been a persistent demand for a representative form of Government in Delhi and also for removing problems faced by the common man, such as mulitiplicity of authorities with overlapping functions. With a view to finding a permanent solution to the problems, the Government appointed a Committee on 24-12-1987 under the Chairmanship initially of Shri Justice R. S. Sarkaria and subsequently of Shri S. Balakrishnan with wide terms of reference to enable it to suggest remedies for the long-standinng problems faced by the people of Delhi. The Committee submitted its report on 14th December, 1989.

The Committee had gone into the matter in great detail and considered the various issues in all their aspects after examining the memoranda received by it from various persons and holding detailed discussions with individuals, representatives of institutions and political parties, eminent citizens, experts and knowledgeable persons with long experience in administration and public affairs. It also examined the details of the arrangement made in the National Capitals of other countries with a federal set-up and took note of the views expressed in the debates in the Constituent Assembly and Houses of Parliament

[Shri S. B. Chavan]

on various occasions in regard to the arrangements for the Capital. It also studied the recommendations made by the earlier Committees and Commissions. The Committee was aware of the complexities involved in designing a proper structure of Government for a national capital, particularly for a country with a federal set-up. Two conflicting requirements have to be reconciled. First, the requirement of satisfying the democratic aspirations of the citizens of the Capital to govern themselves in consonance with the spirit of the Constitution is very important. Secondly, as has been recognised the world over, as well as in our country all along, the National Government should have sufficient control of the Capital city and its administration for discharging its national and international responsibilities and committments. Further, the effective administration of the National Capital is of vital importance to the National Government for ensuring the requisite degree of security and administrative efficiency. In addition, there is the need to preserve the cosmopolitan character of the Capital. The report of the Balakrishnan Committee has attempted to design a governmental structure for Delhi which would secure a reasonable balance between these requirements. The Committee has come to the conclusion that on an objective appraisal of all aspects, any arrangement that involves a Constitutional division of funcitions and responsibilities between the Union and Delhi Administration will be against the national interest and should be ruled out and that, therefore, Delhi should continue to be a Union Territory with a Legislative Assembly with appropriate powers. It has also recommended that the subjects of public order, police and land should be retained with the Centre as they are matters of vital importance for which the responsibility cannot be divided. This is also broadly in line with the provisions made in Government of Part C States Act, 1951 enacted by the Constituent Assembly sitting as Parliament. The details of the new arrangements for the National Capital will be clear from the provisions of the Bill and I do not propose to go over the same. After carefully examining the report of the Balakrishnan Committee and considering all aspects, it has been decided to enact legislation generally on the lines of the recommendations of this Committee and the Bill seeks to make appropriate provisions in this regard. As the House may be aware, on earlier occasions whenever a democratic set-up was considerded for Delhi, such as under the Government of Part C States Act (1951) and also under the Bill introduced in 1978, necessary provisions for a democratic set-up were made under a Parliamentary Law enacted in pursuance of article 239A. However in the case of Delhi which is the National Capital, the Committee has recommended that the provisions for the democratic set-up should be incorporated in the Constitution itself with a view to securing a measure of stability and permanance and also giving a special status to the National Capital.

Delhi as the National Capital, has a unique status annd certain distinguishing features. In view of its importance for the country as a whole it should inspire a sense of belonging to all the States, which cannot happen if it is located in the territory of, or be controlled primarily by, a single State. The arrangements made in this regard to the National Capitals in other countries, particularly those with a federal set up, and all the thinking that has gone into this subject so far, fully support the view that the National Capital should be under the full control of the National Government.

At no time in the past has it ever been considered possible to make Delhi a full-fledged State. The Constituent Assembly went into the matter in great depth. It was observed during debates that "in the capital city of a large federation like ours the arrangement should be that in the area over which the federal Government has to function daily, practically in all details, that Government should have unfettered power, power which is not contested by another and subordinate Legislature." The States Reorganisation Committee and all other

[Shri S. B. Chavan]

Committees have reached the same conclusion.

Several important national and international institutions like the President, the Parliament, the Supreme Court, etc., as well as all foreign diplomatic missions, international agencies etc. are located in Delhi. It is also a place to which high dignitaries from other nations pay official visits frequently and it is in the national interest that the highest possible standards should be maintained in the administration of the National Capital. It is also in the national interest that the Centre should have control over the National Capital in all matters irrespective of whether they are in the State field or Union field.

If Delhi is made a full-fledged State it would be constitutionally impossible for the Central Government to intervene in any matter relatable to the State List, such as public order, public health, essential supplies, municipal services, etc. This complete constitutional prohibition will make it impossible for the Central Government to discharge its national and international responsibilities in relation to Capital, if Delhi becomes a full State.

The Balakrishnan Committee has gone into the matter in depth and has given several reasons why Delhi cannot be made a full-fledged State. It has categorically stated that it will be against the national international responsibility a relation State.

I have no doubt that the Bill will go a long way in satisfyng the long and cherished desire of thhe people of Delhi to have an effective say in the administration concerning their problems.

The Committee in Part II of its report has made recommendations on other matters relating to Delhi, such as the reorganisation of the Municipal Corporation, agencies for supply of electricity and water etc. These recommendations are under consideration. The Government will come before Parliament in due course for enacting necessary legislation for implementing such of the recommendations as are found to be acceptable.

I take this opportunity to place on record our appreciation of the valuable work done by the Balakrishnan Committee on such an important subject.

With these words, Sir, I commend this Bill to this august House for approval.

MR. CHAIRMAN: You have to move the motion for consideration. It is a matter for consideration only.

SHRI S. B. CHAVAN: I commend this Bill for the consideration of the House.

MR. CHAIRMAN: I shall put the motion regarding the consideration of the Bill to vote. The question is:

> "That the Bill further to amend the Constitution of India, as passed by Lok Sabha, be taken into consideration."

The House divided.

SHRI S. B. CHAVAN: Mr. Chairman. Sir, there are some hon. Members who would like to make some observation on the Bill and I hope it will be in the fitness of things if you are pleased to allow some of the Members to speak.

MR. CHAIRMAN: I thought that they didn't want to speak. They must have decided after lunch.

SHRI GURUDAS DAS GUPTA (West Bengal): The Business Advisory Committee decided that we shall pass the Bill without any discussion. Why is it that there should be a discussion? I do not know.

SHRI S. B. CHAVAN: I think it is not proper to make a mention of it on the floor of the House.

MR. CHAIRMAN: So far as I am concerned, I cannot do anything...

PROF. CHANDRESH P. THAKUR (Bihar): Can I make some observation?

श्री सभापति: बोलिए।

PROF. CHANDRESH P. THAKUR: Mr. Chairman, Sir, thank you very much for giving me this opportunity. We all welcome this Bill. The people of Delhi have been looking forward to a democratic opportunity where they can articulate their aspirations through an institution of their State. This has been the demand of the Congress Party for long.

In its election manifesto, we made a promise that before long, the Delhi State will be created. That aspiration of the people of India is going to be met. I would like to go on record that the Congress Government which has introduced the Bill has shown... (*Interruptions*)

SHRI GURUDAS DAS GUPTA: Even the Ministers are delaying the voting.

PROF. CHANDRESH P. THAKUR: Please don't disturb. Let me make my point. I would like to go on record that here is one evidence that the Congress Government has taken concrete steps to implement this promise made to the people of Delhi and I am sure in due time all the formalities will be completed and there will be an apportunity for the people to exercise their vote. We only hope the national character of Delhi will be retained. There are problems in metropolitan citites like Delhi, which has drawn people from all parts of the country. It has lost its identity. But we all feel that we are Indians. We all love Delhi, our Capital and there is something that holds us emotionally as *Delhiwallas*. Regardless of linguistic groups and regardless of cultural groups, we all, feel that Delhi is our home and, as a result, we have a common aspiration to have a democratic framework in the formation of a State when we will have a legal representation... (*Interruptions*).

श्री शंकर दयाल सिंह (बिहार): श्रीमन, भाषण नहीं, अब तो वोटिंग होनी चाहिए। अगर 50 पसर्सेंट मेंबर नहीं हैं हाउस में तो इसकी जवाबदेही भी सत्ता पार्टी की है। ....(व्यवधान)

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश): श्रीमन, वर्षों से मांग है ऐसेंबली बनाने की दिल्ली में ....(व्यवधान)

SHRI GURUDAS DAS GUPTA: I would like to know where the Minister of Parliamentary Affairs. Mr. Ghulam Nabi Azad, is.

SHRI SHANKAR DYAL SINGH: What is this mockery? How can the Ministers who are Members of this House be absent at this time? This is mockery.

SHRI MENTAY PADMANABHAM (Andhra Pradesh): The entire Opposition agreed to support this Bill. It is for the Government to mobilise 50 per cent of the Members to be present in the House. Let the Government come out and say whether they have 50 per cent of the Members in the House or not.

SHRI DIPEN GHOSH (West Bengal): This is the way the Government is running the House. Their own party Members, Members of the ruling party itself, are not present. This is how the Government is conducting business in the House. (*Interruptions*)

PROF. CHANDRESH P. THAKUR: A separate legislative assembly for Delhi can legitimately look after the interests of Delhi so far as its development is concerned, so far as its educational needs are concerned, so far as its health is concerned... (*interruptions*) Delhi will now have a comparable democratic setup. (*interruptions*)

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Mr. Chairman,...

MR. CHAIRMAN: Now I am asking Mr. Bhandare to throw some legal light on the subject.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I would like to know, since a three-line whip has been issued on a very important and farreaching Constitution (Amendment) Bill,... (*interruptions*)

MR. CHAIRMAN: What happened, Mr. Bhandare? Have you finished? (*Interruptions*)

SHRI MENTAY PADMANABHAM: At what time are we expected to be here? If this is going to be delayed we will go out and come back.

A specific time was given. That is why we are all here. But now it appears that the Government is dragging its feet.

MR. CHAIRMAN: The work started at 2.30. No problem.

SHRI MENTAY PADMANABHAM: If you wanted to give some time to the Government, please indicate it so that we will go out and come back.

MR. CHAIRMAN: I cannot do that.

SHRI MENTAY PADMANABHAM: They are not in a position to mobilise their own people.

डा० रत्नाकर पाण्डेय: सभापति महोदय, वर्षों से यह मांग की जा रही है कि दिल्ली को असेम्बली दी जाए, स्टेट हुड दिया जाए। पिछली सरकार ने भी वायदा किया था लेकिन पूरा नहीं किया। हमारे नेता स्वर्गीय राजीव गांधी ने बराबर वायदा किया था कि दिल्ली को हम राज्य का दर्जा देंगे और उसकी नीतियों पर चलने वाले हमारे नरसिंह राव जी की सरकार को मैं बधाई देना चाहता हूं कि आज दिल्ली को राज्य का दर्जा दिये जाने के लिए संशोधन विधेयक हमारे माननीय गृह मंत्री चव्हाण साहब लाये हैं। (व्यवधान) उसका केवल इस सदन में स्वागत नहीं हो रहा है, केवल हमारे सर्वोच्च सदन में इसका स्वागत नहीं हो रहा है बल्कि दिल्ली के करोड़ों लोग, लाखों लोग यह चाहते हैं कि डेमोक्रेटिक सैट-अप में रह कर दिल्ली अपना शासन चलाये। अभी तक दिल्ली में तीन तरह का शासन चलता है। यहां दिल्ली प्रशासन, म्युनिसिपल कारपोरेशन और नई दिल्ली नगर पालिका का शासन चलता है। और तीनों के काम अलग-अलग हैं... (व्यवधान)

SHRI MENTAY PADMANABHAM: Sir, this is highly objectionable... (*Interruptions*) ... Sir, this is highly objectionable. Let the Government say something ... (*Interruptions*)...What is this You are allowing everybody to speak and everybody is speaking... (*Interruptions*)... It is highly objectionable. I would like to protest ... (*Interruptions*) ... I would like to lodge our protest... (*Interruptions*)... Let the Government say something... (*Interruptions*)...

SHRI DIPEN GHOSH: You are allowing them to speak (*Interruptions*)...We should also be allowed to speak then... (*Interruptions*)

SHRI MENTAY PADMANABHAM: Sir, you are allowing Mr. Pandey to speak. The listed business is here and he is speaking on something else... (*Interruptions*)... The House cannot be treated like this. This is highly objectionable... (*Interruptions*)...It is realy callousness on the part of the Government ...(*Interruptions*) ... Let somebody stand up and say something as to what they are going to do ... (*Interruptions*)

श्री शंकर दयाल सिंह: सभापति महोदय, मंत्री जी इस सदन में उपस्थित नहीं हैं। बड़े दुख के साथ कहना पड़ रहा है कि तने गम्भीर मामले के ऊपर बहस चल रही है। (व्यवधान)

डा० रत्नाकर पाण्डेय: विरोधी दल के लोग बीच में बोल रहे हैं, मुझे आपकी प्रोटेक्शन चाहिए। (व्यवधान)

श्री शंकर दयाल सिंह: सदन के अंदर संविधान का 74वां संशोधन गृह मंत्री जी पेश कर जा रहे हैं। आपने स्वयं आदेश दिया है। इस पर भी हम लोग बैठे हैं। (व्यवधान) जिनको इस पर बोलना है उनको... (व्यवधान)

डा० रत्नाकर पाण्डेय: मुझे सुरक्षा चाहिए आपके आदेश का पालन करने के लिए खड़ा हुआ हूं। (व्यवधान)

श्री सभापति: आप बैठ जाइये झगड़े में मत पड़िये। (व्यवधान)

SHRI DIPEN GHOSH: Sir, the House cannot be treated like this... (*Interruptions*)...This is a serious matter and the House cannot be treated like this... (*Interruptions*).

MR. CHAIRMAN: Mr. Narayanasamy, you speak only on the Bill and on nothing else. I have not permitted you to speak on anything else. You speak strictly on the Bill .. (Interruptions)...

SHRI MENTAY PADMANABHAM: Sir, I am on a point of order. Is the Bill open for discussion? (... (*Interruptions*)... We had agreed in the all-party meeting. that we would pass this Bill without any discussion. but now you are allowing some people from that side to speak... I would like to know whether it is open for discussion ...(*Interruptions*)...I want a ruling from you. If it is open for discussion, you allow all the parties to speak on the Bill...(*Interruptions*)...

MR. CHAIRMAN: Just a minute. All of you, please sit down...(*Interruption*) ...

SHRI GURUDAS DAS GUPTA: Sir, I am on a point of order ... (*Interruptions*)...

MR. CHAIRMAN: Just a minute... (*Interruptions*) There is a lost of weight in what they say. That is why I have permitted ... (*Interruptions*) ...

SHRI DIPEN GHOSH: Sir, the only way out is to keep it open for discussion We had agreed that we would pass it without discussion...(*Interruptions*)

MR. CHAIRMAN: I know it...(*Interruptions*)...

SHRI DIPEN GHOSH: Sir, the Government is taking the House for a ride. We were told that it would be taken up between 2-30 P.M. and 3-00 P.M. and yet they could not muster their own strength and they want the Constitution to be amended this way...(*Interruptions*)...At least Sir, you allow it for discussion...(*Interruptions*)..

MR. CHAIRMAN: That is why I have permitted ... (*Interruptions*)

SHRI GURUDAS DAS GUPTA: Sir, I am on a point of order ...(*Interruptions*)...

MR. CHAIRMAN: I am not stopping anybody from speaking.

श्री शंकर दयाल सिंह: सभापति जी, मैं आपकी अनुमति से निवेदन करने के लिए खड़ा हुआ हूं। मेरा निवेदन है कि जो संविधान संशोधन विधेयक गृह मंत्री जी लाये हैं उसके संबंध में पहले बिजनेस एडवाइजरी कमेटी में तय हो गया था कि इस संबंध में हम सरकार के साथ सहयोग करेंगे। सत्ताधारी पक्ष की तरफ से ऐसा नहीं कहा गया था कि हम उपस्थिति नहीं रहेंगे उपस्थिति को बनाना तो सत्ताधारी पक्ष का काम था। इस मामले की गम्भीरता को देखते हुए सभापति जी, आप स्वयं आये और आपने इस सदन की मर्यादा को बढ़ाया और इसकी गम्भीरता को समझा। लेकिन सत्ताधारी पक्ष के लोगों ने इसकी गम्भीरता को नहीं समझा। अभी स्थिति यह है कि वे कभी सदन में आ रहे और कभी सदन से जा रहे हैं। अनेक मंत्री अनुपस्थित हैं...(व्यवधान)। मेरा निवेदन है कि आप सदन की कार्यवाही को आधे घंटे के लिए अडजर्न कर दें ताकि आधे घंटे में ये सदस्यों को जुटा सकें। इसी रूप में सदन की मर्यादा बढ़ सकती है। नहीं तो यह सदन की अवमानना होगी। यह इतना गम्भीर विषय है, संविधान संशोधन का बिल है। अगर हम ऐसा नहीं करेंगे तो संविधान की अवमानना करेंगे। इसलिए मेरा आपसे फिर अनुरोध है कि आप सदन की कार्यवाही आधे घंटे के लिए अडजर्न करें ...(व्यवधान)।

DR. NAGEN SAIKIA (Assam): I am on a point of order. My point is that if this Bill is taken up at 3.30, then what will be the fate of Private Members' Bills because this business has to be taken up at 3.30? (*Interruptions*)

SHRI GURUDAS DAS GUPTA: I have a point of order. We have decided to dispense with the Private Members' Bills. There was agreement in the House. And, Sir, you were present. On the request of th Government we had agred to forego our right—on the specific assumption... (*Interruptions*) Sir, the point is that because of Govenment's inaction and because of the absence of the Ministers the time of the House is being wasted. Therefore, the Ministers because of their absence, must be taken to task by the Chair because of the time we have lost. (*Interruptions*)

MR. CHAIRMAN: You have taken theme to task.

SHRI GURUDAS DAS GUPTA: You must ask them why they are absent. (*Interruptions*)

MR. CHAIRMAN: Now, I am ending the discussion. Now I will put the question.

The House divided

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided

MR. CHAIRMAN: Ayes.. 138
Noes ... Nil

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Alia, Kumari
Alva, Shrimati Margaret
Ambedkar, Shri Prakash Yashwant
Antony, Shri A. K.
Ashwani Kumar, Shri
Azmi, Maulana Obaidullah Khan
Bagrodia, Shri Santosh
Bakht, Shri Sikander
Barongpa, Shri Sushil
Basu, Ray, Shri Sunil
Bekal Utsahi, Shri
Bhandare, Shri Murlidhar Candrakant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharya, Prof Saurin
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaudhuri, Shri Tridib
Chavan, Shri S. B.
Chowdhary Ram Sewak
Chowdhry Hari Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam Shri Sangh Priya
Ghosh, Shri Dipen
Ghufran Azam, Shri
Goswami, Shri Ramnarayan
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Jacob, Shri M. M.
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jani, Shri Jagadish
Kailashpati, Shrimati
Kalmadi, Shri Suresh
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan
Khatun, Kumari Sayeeda
Krishnan, Shri G. Y.
Lather, Shri Mohinder Singh
Lenka, Shri Kahnu Charan
Lotha, Shri Khyomo
Madhavan, Shri S.

Madni, Shri Maulana Asad
Mahendra Prasad, Shri
Maheshwari, Shrimati Sarala
Malaviya, Shri Radhakrishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Jagdish Prasad
Mathur, Shri Manmohan
Md. Salim, Shri
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal alias Meem Afzal, Shri
Mohanty, Shri Sarada
Naik, Shri G. Swamy
Naik, Shri R. S.
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Pachouri, Shri Suresh
Padmanabham, Shri Mentay
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panwar, Shri B. L.
Parmar, Shri Rajubhai A.
Paswan, Shri Kameshwar
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Vishwasrao Ramrao
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Puglia, Shri Naresh
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Ramachandran, Shri S. K. T.
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Dr. Narreddy Thulasi
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Saikia, Dr. Nagen
Salve, Shri N. K. P.
Samantaray, Shri Parvat Kumar
Sanadi, Prof. I. G.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sharma, Shri Chandan
Sharma, Shri Krishan Lal
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Shrimati Pratibha
Singh, Shri Ram Awadhesh
Singh, Shri Shankar Dayal
Singh, Shri Surender
Singh, Shri Vishvjit P.
Som Pal, Shri
Sushma Swaraj, Shrimati
Swaminathan, Shri G.
Swell, Shri G. G.
Thakur, Prof. Chandresh P.
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Tiria, Kumari Sushila
Trivedi, Shri Dineshbhai
Tyagi, Shri Shanti
Verma, Shri Ashok Nath
Verma, Shri Kapil
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadav, Shri Ranjan Prasad
Yongam, Shri Nyodek

NOES—Nil.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. We shall take up Clause 2 now.

There are three amendments—Amendment Nos., 1, 2, and 3—of Shri Satya Prakash Malaviya.

Mr. Malaviya, are you moving your amendments?

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): सभापति महोदय, बिल एज पास्ड बाई लोक सभा, हम को अभी तक नहीं मिला है।

स्वास्थ्य और परिवार कल्याण मंत्री (श्री माखन लाल फोतेदार): मालवीय जो, आप अमेंडमेंट्स विदड्रा कर लीजिए।

श्री सत्य प्रकाश मालवीय: मुझे पता लगा है कि मेरा जो पहला अमेंडमेंट है वह लोक सभा में स्वीकार कर लिया गया है।

श्री सभापति: एक तो वहां स्वीकार कर लिया है, दूसरा और तीसरा रह गया है। आप चाहें तो मूव कर लीजिये। बाकी दोनों को मूव कर लीजिये।

श्री सत्य प्रकाश मालवीय: मैं दोनों मूव करना चाहता हूं।

SHRI P. SHIV SHANKER (Gujarat): At least the Home Minister may explain to us what amendments have taken place there so that we know; otherwise we don't know what happened there.

SHRI SATYA PRAKASH MALAVIYA: The Bill was amended but the Bill as passed by the Lok Sabha has not been circulated to us.

SHRI DIPEN GHOSH: This is another instance of how the Government takes the House for a ride. I told you earlier also. The Minister of Parliamentary Affairs is not present here, who happens to be a Member of this House. Now the Bill which we have taken up for voting has not been circulated to us as passed by the Lok Sabha. How is it How is everything moving?

MR. CHAIRMAN: They depend on your extreme goodness.

SHRI S. B. CHAVAN: It would not be out of place if I explain...

SHRI DIPEN GHOSH: They have the responsibility to go by the rules and procedures of the House.

SHRI S. B. CHAVAN: Sir, yesterday in the Business Advisory Committee we had a long-drawn discussion on this issue and the procedure which we have followed is that as soon as the Bill is passed in the Lok Sabha, before 1 O'clock, it would reach here, and we saw to it that the Bill, has been sent by them to the Rajya Sabha. But still if the hon. Members.

SHRI SATYA PRAKASH MALAVIYA: There is no Hindi copy.

SHRI DIPEN GHOSH: We have to vote and for that we should have been supplied copy of the Bill as passed by the Lok Sabha.

MR. CHAIRMAN: Yes, they have a right to know what amendments have been brought therein because it is their right. This is the amended Bill as passed by the Lok Sobha. And what amendments have been brought about in the Bill by the Lok Sabha, they are perfectly within their right to ask.

SHRI S. B. CHAVAN: I will try my best to explain what amendments have been carried out in the Bill in the Lok Sobha. The first amendment to the Constitution (Seventy-fourth Amendment) Bill was where it was stated that "It will be called the National Capital Territory" and instead of that it is provided that "It will be "called the National Capital Territory of Delhi". That is one amendment which has been carried. The second amendment which has been carried out in the Lok Sabha is about deletion in page 3 of sub para (b) in clause (7). It has been deleted, and since there were two clauses, and one has been deleted, it automatically means that.....

SHRI CHATURANAN MISHRA (Bihar): No, I did not object to it, because the procedure is such.

[Shri Chaturanan Mishra]

(व्यवधान) आप हमारी बात सुन लीजिये अगर यही पद्धति रही तो किसी दिन हम लोग पास कर देंगे कि वी आर मैम्बर्ज* जब सुपरिंटेंडेंट पकड़ने के लिए आएगा तो कहेंगे, हमने पास नहीं किया। That is why I am reminding. We are wise enough. We have already voted for it and we are so concerned about it.

MR. CHAIRMAN: I am deleting the words* with your consent.

SHRI CHATURANAN MISHRA: Now the Minister is referring to some page. Page of what? Where do we look at? The Bill itself has not been circulated. I only wanted to repeat that if this policy is followed, we will pass an Act that we are Members of a*

MR. CHAIRMAN: No, you can't pass that Act.

MR. CHAIRMAN: This sentence of Mr. Chaturanan Mishra that* should be deleted with the consent.

SHRI CHATURANAN MISHRA: Sir, I only said 'If it so happens'.

SHRI G. SWAMINATHAN (Tamil Nadu): Sir, I would request you to please expunge that remark from the record.

MR. CHAIRMAN: I have deleted it with his consent. (*Interruptions*)

SHRI CHATURANAN MISHRA: I have agreed to it. But I only said 'If it so happens..'

SHRI S. B. CHAVAN: Sir, I quite appreciate the point of the hon. Members that the copy of the Bill, as passed by the Lok Sabha, has to be circulated. But it was a unanimous decision. There was paucity of time. We did not have time. That is why the leaders of the different political parties sat together, and we came to a conclusion...

*Expunged as ordered by the Chair.

SHRI SATYA PRAKASH MALAVIYA: It was never agreed that we would consider the Bill, without the Bill, as passed by the Lok Sabha, being circulated. (*Interruptions*)

SHRI CHIMANBHAI MEHTA (Gujarat): Sir, the hon. Minister should express regret. When the Bill has not been circulated, if I vote here, without knowing what amendments were adopted by the Lok Sabha, it will be a dereliction of duty on my part, as a Member of Parliament. I am sorry to say that. I do not want to comment on the Business Advisory Committee's proceedings. It is not done. But it should not happen that we discuss a Bill without the copy of the Bill, as passed by the Lok Sabha, circulated in advance. Today, you are the ruling party. Tomorrow, somebody else would be there. This is not the right practice.

MR. CHAIRMAN: You are doing it with your faith in the good sense of the Lok Sabha. (*Interruptions*) That you will not object to. (*Interruptions*)

SHRI DIPEN GHOSH: Sir, many times, Bills passed by the Lok Sabha have been defeated in the Rajya Sabha. The point is, the hon. Minister should have expressed regret, at least.

MR. CHAIRMAN: Leave it.

SHRI DIPEN GHOSH: The Minister of Parliamentary Affairs, who is a Member of this House, is also not here.

MR. CHAIRMAN: He is not well. He is in hospital.

SHRI S. B. CHAVAN: He is in hospital. That is why he could not come here.

Sir, my explanation as to what amendments have been carried out by the Lok Sabha is not a substitute for not giving an authentic copy of the Bill, as passed by the Lok Sabha. The point is very well taken. We attach great importance to the point that the hon. Member raised,

and we will try our level best to see that this does not form a precedent. Hereafter, we will try to see that this is not followed as a precedent.

SHRI DIPEN GHOSH: Thank you.

SHRI S. B. CHAVAN: There is one more thing, and I am done. I was referring to clause 7. The amendment which was carried by the Lok Sabha was, to delete sub-clause (b) of clause 7 Automatically the number ing (a) in sub-clause (a) goes. Sub-clause (b) was: 'Any such law as is referred to in sub-clause (a) shall not be deemed to be an amendment of the Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.' Sub-clause (b) will have to be deleted. Otherwise, it would require ratification by the State Assemblies. We did not want to prolong the procedure. In fact, we want to have elections in Delhi as early as possiple. That is why it has been deleted here. But we may insert it later when a new Constittuion (Amendment) Bill is introduced for Delhi, to include members of the Assambly in the electoral college for Presidential elections. So also Pondicherry. Both of them will be included in the electoral college.

For that, in due course, ratification by the State Assemblies will also be taken. But at this stage. I cannot possibily, hold up delimitation of constituencies in the case of Delhi. This was the reason. That is why it was dropped. As I said, since sub-clause (b) has been dropped, the numbering in sub-clause (a) automatically goes. These two sub-clauses are part of clause 7. (*Interruptions*)

SHRI SIKANDER BAKHT (Madhya Pradesh): Mr. Minister, you have taken into account article 368. But does the Bill also cover articles 54 and 55?

SHRI S. B. CHAVAN: We have considered all aspects of the question we got the opinion of the Law Ministry. On that basis of that opinion only, we have dropped this. As sub-clause (b) has been dropped, the numbering in sub-clause (a) automatically goes.

There is one more point. I would like to refer to clause 8. that for the proper administration of the National Territory it is necessary...

SHRI SIKANDER BAKHT: What does it imply? Do they become part of the electoral college? (*Interruptions*).

SHRI S. B. CHAVAN: Let me first explain. Thereafter if you have any question, please ask me.

The later part of article 239AB Clause (b) that for the proper administration of the National Capital Territory it is necessary or expedient so to do, the President may by order suspend the operation of any provision of article 239AA or of all or any of the provisions of any law made in pursuance of that article for such period as he thinks fit." This is analogues to article 356. We have merely said that "as he thinks fit" may be deleted and instead it will be as will be prescribed in the 'Parliamentary law which is to be discussed before this House, the period and procedure will be prescribed in that law. This is the only amendment that we have made in that article. I think to the best possible extent I have tried to explain the position.

SHRI G. SWAMINATHAN: The Home Minister has explained it, but we have to understand many more things. The Law Minister should be here to explain what we ask. (*Interruptions*).

MR. CHAIRMAN: Now, Mr. Malaviya, are you moving your amendment Nos. 2 and 3?

Clause 2 Insertion of new article 239AA and 239AB

SHRI SATYA PRAKASH MALAVIYA: Yes, Sir. I move:

(2) That the provision to para (4) to clause 2 be *omitted*.

(3) After para (6) to clause 2 the following proviso be *inserted* namely:

[Shri Satya Prakash Malaviya]

Provided that the Chief Minister and other Ministers shall be chosen only from amongst the elected members of Provided that the Chief Minister and

श्री चतुरानन मिश्र : सभापति महोदय, मेरा एक ही प्वायंट है, इसकी जो कापी गृह मंत्री के पास है क्या वही आपके पास है? ....**(व्यवधान)**

श्री सभापति : नहीं, ...**(व्यवधान)** ....मेरे पास तो वह है जो बिल सर्कुलेट हुआ था। मेरे पास अमेंडेड नहीं है। ...**(व्यवधान)**

श्री शंकर दयाल सिंह: हम लोगों के पास तो वह कापी है जो 16 तारीख को...**(व्यवधान)** हुई थी । ...**(व्यवधान)**

SHRI DIPEN GHOSH: Do you have a copy of the Bill as passed in the Lok Sabha or as introduced in the Lok Sabha?

श्री सभापति : जो आपके पास है वही कापी मेरे पास है। ...**(व्यवधान)** अब यह मेरे पास आ गई है, । it has been passed in Lok Sabha. Now the amendments are moved. (*Interruptions*).

देखिए इसमें निशान वगैरह लगे हुए हैं कि जहां अमेंडमेंट वगैरह हुए हैं।

The questions were proposed.

श्री सत्य प्रकाश मालवीय : सभापति महोदय, मैंने अपनी बात नहीं कही है।

श्री सभापति : बिल्कुल कहिए।

श्री सत्य प्रकाश मालवीय : मेरा जो पहला अमेंडमेंट है वह तो स्वीकार कर लिया गया है लोक सभा में जिसमें मैंने यह कहा था कि राष्ट्रीय राजधानी क्षेत्र में दिल्ली को जोड़ दिया जाए। हमने दो संशोधन इसमें और दिए थे। एक तो उप-धारा 4 के बाद मेरी समझ से इसको उप-राज्यपाल को और राष्ट्रपति को बहुत अधिकार दिए गए हैं क्योंकि मंत्री परिषद में और उप-राज्यपाल में जब मतभेद हो जाएगा तो इसमें यह दिया हुआ है, राष्ट्रपति के पास उप राज्यपाल भेज देंगे और राष्ट्रपति जो निर्णय करेंगे वही मंत्री परिषद को मानना पड़ेगा और जब तक राष्ट्रपति फैसला नहीं देते हैं तब तक यह अधिकार उप राज्यपाल को दे दिया गया है। उप-राज्यपाल जैसा फैसला करेंगे वही का वही लागू होगा। दूसरा मैंने इसमें सुझाव यह दिया था कि कोई मुख्य मंत्री या मंत्रिपरिषद् के अन्य सदस्य वही हों इसमें जो कि दिल्ली के विधान सभा के सदस्य हों। वह मैंने इसलिए दिया था कि बहुत जगह ऐसा होता है कि कुछ बिना विधान सभा के सदस्य रहे हुए या विधान परिषद् के सदस्य रहे हुए व्यक्ति मंत्री या मुख्य मंत्री बन जाते है और उसके बाद वैसे ही वहां पर काम चलता है, इसलिए मैंने सुझाव दिया था कि कम से कम दिल्ली इस देश की राजधानी है और यह सरकार यहां पर इसको स्टेटहुड दे रही है, बीसों साल बाद तो यहां पर विधान सभा बनने जा रही है, तो कम से कम मुख्य मंत्री और मंत्री ऐसे व्यक्ति हों जो कि विधान सभा के सदस्य भी हों।

SHRI S. B. CHAVAN: I do not accept both of these amendments.

श्री सत्य प्रकाश मालवीय : मैं अपने संशोधन को वापस लेता हूं।

श्री सभापति : वापस ले रहे हैं। ...**(व्यवधान)**

The Amendment Nos. (2) *and* (3) *were, by leave, withdrawn.*

MR. CHAIRMAN: Now the question is:

That Clause 2 stand part of the Bill.

The House divided.

MR. CHAIRMAN: Ayes .. 142

Noes .. 1

Abrar **Ahmed, Dr.**
Agarwal, **Shri Lakkhiram**
Agarwal, **Shri Ramdas**
Ahluwalia, Shri S. S
Alia, **Kumari**
Alva, Shrimati **Margaret**
Antony, Shri **A. K.**
Ashwani **Kumar, Shri**
Azmi, Maulana **Obaidullah Khan**
Bagrodia, Shri **Santosh**
Bakht, Shri **Sikander**
Barongpa, Shri **Sushil**
Basu, Ray, Shri **Sunil**
Bekal Utsahi, **Shri**
Bhandare, Shri **Murlidhar Chandrakant**
Bhardwaj, Shri **Hansraj**
Bhatia, Shri **Madan**
Bhatt, Shri **Jitendrabhai Labhshanker**
Bhattacharya, **Prof. Saurin**
Birla, Shri **Krishna Kumar**
Chanpuria, Shri **Shivprasad**
Chaturvedi, Shri **Bhuvnesh**
Chaudhuri, Shri **Tridib**
Chavan, **Shri S. B.**
Chowdhary Ram Sewak
Chowdhry Hari Singh
Das, Shrimati **Mira**
Das Gupta, Shri **Gurudas**
Dave, Shri **Anantray Devshanker**
Desai, Shri **Jagesh**
Dhawan, Shri **R. K.**
Dronamraju, Shri **Satyanarayana**
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri **Makhan Lal**
Gautam, Shri **Anand Prakash**
Gautam, Shri **Sangh Priya**
Ghosh, Shri **Dipen**
Ghufran Azam, **Shri**
Goswami, Shri **Ramnarayan**
Hanumanthappa, Shri **H.**
Hariprasad, Shri **B. K.**
Heptulla, Dr. (Shrimati) **Najma**
Hiphei, **Shri**

Jacob, Shri **M. M.**
Jadhav, Shri **Vithalrao Madhavrao**
Jain, Dr. Jinendra Kumar
Jaiswal, Shri **Anant Ram**
Jani, Shri **Jagadish**
Kailashpati, Shrimati
Kalmadi, Shri **Suresh**
Kalvala, Shri **Prabhakar Rao**
Kar, Shri **Narayan**
Kesri, Shri **Sitaram**
Khaparde, Miss **Saroj**
Khatun, Kumari **Sayeeda**
Krishnan, Shri **G. Y.**
Lather, Shri **Mohinder Singh**
Lenka, Shri **Kahnu Charan**
Lotha, Shri **Khyomo**
Madhavan, Shri **S.**
Madni, Shri **Maulana Asad**
Mahendra Prasad, Shri
Maheshwari, Shrimati **Sarala**
Malaviya, Shri **Radhakishan**
Malaviya, Shri **Satya Prakash**
Manmohan Singh, Shri
Masodkar, Shri **Bhaskar Annaji**
Mathur, Shri **Jagdish Prasad**
Mathur, Shri **Manmohan**
Md. Salim, Shri
Meena, Shri **Dhuleshwar**
Mehta, Shri **Chimanbhai**
Mishra, Shri **Chaturanan**
Mishra, Shri **Shiv Pratap**
Mohammad Yunus, **Shri**
Mohammed Afzal alias Meem **Afzal, Shri**
Mohanty, Shri **Sarada**
Naik, Shri **G. Swamy**
Naik, Shri **R. S.**
Narayanasamy, Shri **V.**
Natarajan, Shrimati **Jayanthi**
Pachouri, Shri **Suresh**
Padmanabham, Shri **Mentay**
Palaniyandi, Shri **M.**
Pandey, Shrimati **Manorama**
Pandey, Dr. **Ratnakar**
Panwar, Shri **B. L.**

Parmar, Shri Rajubhai A.
Paswan, Shri Kameshwar
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Vishwasrao Ramrao
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Puglia, Shri Naresh
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Ramachandran, Shri S. K. T.
Rathwa, Srri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Dr. Narreddy Thulasi
Reddy, Shri T. Chandrasekhar
Sahay, Shri Dayanand
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Saikia, Dr. Nagen
Salve, Shri N. K. P.
Samantaray, Shri Parvat Kumar
Sanadi, Prof. I. G.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sharma, Shri Chandan
Sharma, Shri Krishan Lal
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Shrimati Pratibha
Singh, Shri Ram Awadhesh
Singh, Shri Shankar Dayal
Singh, Shri Surender
Singh, Shri Vishvjit P.
Sinha, Shrimati Kamla
Som Pal, Shri
Sushma Swaraj, Shrimati
Swaminathan, Shri G.
Swell, Shri G. G.
Thakur, Prof. Chandresh P.
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Tiria, Kumari Sushila
Trivedi, Shri Dineshbhai
Tyagi, Shri Shanti
Verma, Shri Ashok Nath
Verma, Shri Kapil
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadav, Shri Ranjan Prasad
Yonggam, Shri Nyodek

NOES—1

Ambedkar, Shri Prakash Yashwant

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 *was added to the Bill.*

MR. CHAIRMAN: The question is:

That clause 1, the Enacting Formula and the Title stand part of the Bill.

The House divided

MR. CHAIRMAN: AYES—142
NOES— 1

AYES—142

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Alia, Kumari
Alva, Shrimati Margaret
Antony, Shri A. K.
Ashwani Kumar, Shri
Azmi, Maulana Obaidullah Khan
Bagrodia, Shri Santosh
Bakht, Shri Sikander
Barongpa, Shri Sushil
Basu Ray, Shri Sunil
Bekal Utsahi, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj

Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharya, Prof. Saurin
Birla, Shri Krishna Kumar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaudhuri, Shri Tridib
Chavan, Shri S. B.
Chowdhary Ram Sewak
Chowdhry Hari Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Ghufran Azam, Shri
Goswami, Shri Ramnarayan
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Dr. Jinendra Kumar
Jaiswal, Shri Anant Ram
Jani, Shri Jagadish
Kailashpati, Shrimati
Kalmadi, Shri Suresh
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan
Kesri, Shri Sitaram
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Krishnan, Shri G. Y.
Lather, Shri Mohinder Singh
Lenka, Shri Kahnu Charan
Lotha, Shri Khyomo
Madhavan, Shri S.
Madni, Shri Maulana Asad
Mahendra Prasad, Shri
Maheshwari, Shrimati Sarala
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Manmohan Singh, Shri
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Jagdish Prasad
Mathur, Shri Manmohan
Md. Salim, Shri
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mishra, Shri Chaturanan
Mishra, Shri Shiv Pratap
Mohammad Yunus, Shri
Mohammed Afzal *alias* Meem Afzal, Shri
Mohanty, Shri Sarada
Naik, Shri G. Swamy
Naik, Shri R. S.
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Pachouri, Shri Suresh
Padmanabham, Shri Montay
Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panwar, Shri B. L.
Parmar, Shri Rajubhai A.
Paswan, Shri Kameshwar
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Vishwasrao Ramrao
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Puglia, Shri Naresh
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Ramachandran, Shri S. K. T.
Rathwa, Shri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Dr. Narreddy Thulasi
Reddy, Shri T. Chandrasekhar
Sahay, Shri Dayanand

Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Saikia, Dr. Nagen
Salve, Shri N. K. P.
Samantaray, Shri Pravat Kumar
Sanadi, Prof. I. G.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sharma, Shri Chandan
Sharma, Shri Krishan Lal
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Shrimati Pratibha
Singh, Shri Ram Awadhesh
Singh, Shri Shankar Dayal
Singh, Shri Surender
Singh, Shri Vishvjit P.
Sinha, Shrimati Kamla
Som Pal, Shri
Sushma Swaraj, Shrimati
Swaminathan, Shri G.
Swell, Shri G. G.
Thakur, Prof. Chandresh P
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Tiria, Kumari Sushila
Trivedi, Shri Dineshbhai
Tyagi, Shri Shanti
Verma, Shri Ashok Nath
Verma, Shri Kapil
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh
Yadav, Shri Ranjan Prasad
Yonggam, Shri Nyodek

NOES—1

Ambedkar, Shri Prakash Yashwant

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI S. B. CHAVAN: Sir, I move:

That the Bill be passed.

The House divided.

MR. CHAIRMAN: Ayes..142
Noes .. 1

AYES—142

Abrar Ahmed, Dr.
Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Ahluwalia, Shri S. S.
Alia, Kumari
Alva, Shrimati Margaret
Antony, Shri A. K.
Ashwani Kumar, Shri
Azmi, Maulana Obaidullah Khan
Bagrodia, Shri Santosh
Bakht, Shri Sikander
Barongpa, Shri Sushil
Basu, Ray, Shri Sunil
Bekal Utsahi, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharya, Prof. Saurin
Birla, Shri Krishna Kumar
Buragohain, Shri Bhadreswar
Chanpuria, Shri Shivprasad
Chaturvedi, Shri Bhuvnesh
Chaudhauri, Shri Tridib
Chavan, Shri S. B.
Chowdhary Ram Sewak
Chowdhry Hari Singh
Das, Shrimati Mira
Das Gupta, Shri Gurudas
Dave, Shri Anantray Devshanker
Desai, Shri Jagesh
Dhawan, Shri R. K.
Dronamraju, Shri Satyanarayana
Faguni Ram, Dr.
Fernandes, Shri John F.

Fotedar, Shri Makhan Lal
Gautam, Shri Anand Prakash
Gautam, Shri Sangh Priya
Ghosh, Shri Dipen
Ghufran Azam, Shri
Goswami, Shri Ramnarayan
Hanumanthappa, Shri H.
Hariprasad, Shri B. K.
Heptulla, Dr. (Shrimati) Najma
Hiphei, Shri
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
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Lotha, Shri Khyomo
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Maheshwari, Shrimati Sarala
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Manmohan Singh, Shri
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Jagdish Prasad
Mathur, Shri Manmohan
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Meena, Shri Dhuleshwar
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Mohammad Yunus, Shri
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Palaniyandi, Shri M.
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
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Parmar, Shri Rajubhai A.
Paswan, Shri Kameshwar
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shri Vishwasrao Ramrao
Pillai, Shri Thennala Balakrishna
Poddar, Dr. R. K.
Puglia, Shri Naresh
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Ramachandran, Shri S. K. T.
Rathwa, Srri Ramsinh
Razi, Shri Syed Sibtey
Reddy, Dr. Narreddy Thulasi
Reddy, Shri T. Chandrasekhar
Sahay, Shri Dayanand
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Sahu, Shri Santosh Kumar
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Samantaray, Shri Pravat Kumar
Sanadi, Prof. I. G.
Sarang, Shri Kailash Narain
Sarma, Shrimati Basanti
Satchidananda, Shri
Satya Bahin, Shrimati
Sen, Shri Ashis
Sharma, Shri Chandan
Sharma, Shri Krishan Lal
Shiv Shanker, Shri P.
Singh, Shri K. N.
Singh, Shrimati Pratibha
Singh, Shri Ram Awadhesh
Singh, Shri Shankar Dayal

Singh, Shri Surender
Singh, Shri Vishvjit P.
Sinha, Shrimati Kamla
Som Pal, Shri
Sushma Swaraj, Shrimati
Swaminathan, Shri G.
Swell, Shri G. G.
Thakur, Prof. Chandresh P.
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Tiria, Kumari Sushila
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Tyagi, Shri Shanti
Verma, Shri Ashok Nath
Verma, Shri Kapil
Verma, Shrimati Veena
Yadav, Shri Ish Dutt
Yadav, Shri Ranjan Prasad
Yonggam, Shri Nyodek

NOES—1

Ambedkar, Shri Prakash Yashwant

The motion was carried by a majority of the total membership of the House and by a majority of not less than two thirds of the Members present and voting.

श्री शंकर दयाल सिंह : यह तो पास हो गया, इसके लिए आपको बधाई है और आपने देखा कि विपक्ष ने किस तरह से साथ दिया, बल्कि पक्ष की ओर से एक लाल दिखलाई दे रहा है। .....(**व्यवधान**).....माफ करना.. (**व्यवधान**)...बैठिए, मैं तो जो कह रहा हूं। .....(**व्यवधान**)..... केवल एक बात कहना चाहता हूं कि यह जो आपका संविधान संशोधन था, इसमें तो हमने सहयोग दिया।

[*उपसभापति पीठासीन हुई*]

लेकिन, जो राष्ट्रीय राजधानी क्षेत्र का बिल आएगा, मैं फिर से आपसे अनुरोध करता हूं कि इसको आप सलेक्ट कमेटी को भेजने के लिए मन बना लीजिए क्योंकि इसमें अनेक खामियां हैं। हम चाहते हैं कि जल्दबाजी में कुछ न किया जाए। इसको आप सेलेक्ट कमेटी को जरूर भेजिए। यही मेरा आपसे निवेदन है।

PRIVATE MEMBERS' LEGISLATIVE BUSINESS

Bills Introduced

THE DEPUTY CHAIRMAN: Now we take up Private Members' Legislative Business. Bills for introduction.

The Prevention of Influx of Foreign Nationals in the Country Bill, 1991.

श्री कृष्ण लाल शर्मा (हिमाचल प्रदेश) : उपसभापति महोदया, मैं प्रस्ताव करता हूं कि देश में विदेशी राष्ट्रिकों के अनधिकृत प्रवेश को नियंत्रित करने और उन्हें उनके मूल देश को निर्वासित करने तथा तत्संबंधित मामलों के लिए विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted.

श्री कृष्ण लाल शर्मा : महोदया, मैं विधेयक को पुरःस्थापित करता हूं।

THE DEPUTY CHAIRMAN: If the Members so agree, the Prime Minister can come now to make the Statement. But, it is a Private Members' day. So, I should have the permission of the House to allow.

PROF. SOURIN BHATTACHARJEE (West Bengal): Let it be shifted to tomorrow.

THE DEPUTY CHAIRMAN: The Prime Minister is not here tomorrow.

PROF. SOURIN BHATTACHARJEE: No. The Private Members' business can be shifted to tomorrow. It should not be altogether abolished.

THE DEPUTY CHAIRMAN: O. K. We have to continue with the same business till then. Shri S. S. Ahluwalia.